

***Terminal Disclaimer***

The terminal disclaimer filed on 10/26/2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/609,298 has been reviewed and is accepted. The terminal disclaimer has been recorded.

**EXAMINER'S AMENDMENT**

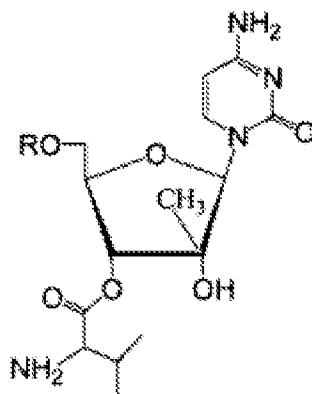
An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Claim 17 (currently amended): The compound of any one of claims 1-3, wherein the compound is at least 90% by weight the  $\beta$ -D-isomer.

Claim 18 (currently amended): The compound of any one of claims 1-3, wherein the compound is at least 95% by weight the  $\beta$ -D-isomer.

Claim 37 (currently amended): A compound of the formula:



wherein R is mono, di or triphosphate; a stabilized phosphate prodrug; acyl; sulfonate ester; or benzyl, wherein the phenyl group is optionally substituted; an amino acid; a carbohydrate; or other pharmaceutical acceptable leaving group which when administered *in vivo* provides a compound wherein R is independently H or phosphate.

Claim 38 (currently amended): A pharmaceutical composition comprising a compound of claims 1, 2, or 3 in a pharmaceutically acceptable carrier, wherein the 5'-hydroxyl group is replaced with a 5'-OR group, wherein R is mono, di or triphosphate; a stabilized phosphate prodrug; acyl; sulfonate ester; or benzyl, wherein the phenyl group is optionally substituted; an amino acid; a carbohydrate; or other pharmaceutical acceptable leaving group which when administered *in vivo* provides a compound wherein R is independently H or phosphate.

***Allowable Subject Matter***

Claims 1-7, 13-18, 37-38, 43-44, and 46-67 are allowed.

The following is an examiner's statement of reasons for allowance: the terminal disclaimer filed over copending application 10/609,298 has been accepted and approved.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAVISS C. MCINTOSH III whose telephone number is (571)272-0657. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shaojia Anna Jiang, Ph.D./  
Supervisory Patent Examiner, Art Unit 1623

/Traviss C McIntosh III/  
Examiner, Art Unit 1623  
June 21, 2008